



court's leave. The court should freely give leave when justice so requires.

Fed.R.Civ.P. 15(a)(2).

### **DISCUSSION**

The undersigned notes that Plaintiff filed a "Second Amended Complaint" (Document No. 28) pursuant to Fed.R.Civ.P. 15 on October 23, 2024, with the written consent of Defendants. (Document No. 27). As such, the undersigned will direct that "Defendant Town Of Mooresville's Motion To Dismiss Plaintiff's Amended Complaint" (Document No. 21) and "Defendant Town Of Mooresville Police Department's Motion To Dismiss Plaintiff's Amended Complaint" (Document No. 23) be denied as moot.

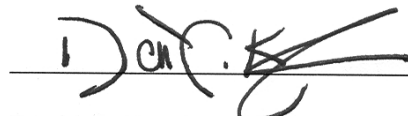
It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect."); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect.'"); Colin v. Marconi Commerce Systems Employees' Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) ("Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs' filing of the Second Amended Complaint"); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at \*4 (W.D.N.C. Oct. 30, 2007).

To the extent Defendants contend the Second Amended Complaint is deficient, this Order is without prejudice to Defendants filing a renewed motion to dismiss the Second Amended Complaint.

**IT IS, THEREFORE, ORDERED** that “Defendant Town Of Mooresville’s Motion To Dismiss Plaintiff’s Amended Complaint” (Document No. 21) and “Defendant Town Of Mooresville Police Department’s Motion To Dismiss Plaintiff’s Amended Complaint” (Document No. 23) are **DENIED AS MOOT**.

**SO ORDERED.**

Signed: October 23, 2024

  
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David C. Keesler  
United States Magistrate Judge

